

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Tomoki Kato, et al. :

APPLICATION NO.: 10/595,948 : Examiner: Scarlett Y. Goon

FILING DATE: May 22, 2006 : Group Art Unit: 1623

TITLE: Quinolonecarboxylic Acid Compounds Having 5- :
HT4 Receptor Agonistic Activity

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION DATED MARCH 18, 2009

This is in response to the Office Action (a restriction requirement) mailed on March 18, 2009 in the above-identified application. Because the Response is being mailed within the 1-month term set for response, no fees are believed to be due.

In response to the requirement for restriction, Applicants elect the invention of Group I, claims 15-25 for prosecution in this application. Although Applicants do not necessarily agree with the Examiner's reasoning underlying the restriction, the election is made without traverse to expedite prosecution. Applicants further assume that the reference in the office action to "Groups I-IV" (page 3, last line) was a typographical error.

The Examiner also made an election of species requirement. In response thereto, Applicants elect *N*-({1-[(*trans*-1,4-dihydroxycyclohexyl)methyl]piperidin-4-yl)methyl)-1-isopropyl-5-methyl-2-oxo-1,2-dihydroquinoline-3-carboxamide ethanedioate.

The elected species is claimed in claim 23 and is disclosed in Example 10. Responsive to the Examiner's requirement to identify chemical moieties, Applicants note the the elected compound is formula (I) wherein R1 is isopropyl, R2 is methyl, A is methylene, Het is




, B is methylene, n is 1 and R3 is 1,4 dihydroxycyclohexyl.

All of the claims of elected Group I, i.e., claims 15-25, read on the elected compound.

Early and favorable action is respectfully requested.

Date: APRIL 17, 2009

Respectfully submitted,


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